THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.23364 OF 2005

BETWEEN:

Smt.Mynampati Vijayamma and others

…Petitioners

vs.

The Mandal Revenue Officer, Varikuntapadu Mandal,Nellore District

..Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.23364 OF 2006

ORAL ORDER

The petitioners' apprehend and without any action by the respondent pleaded or established that they are likely to be evicted from their lands in several extents mentioned in paragraph No.2 of the writ petition, in Guvvadi Village, Varikuntapadu Mandal, Nellore district, without following the due process of law, without cancelling their assignments or proceeding against them under the Land Encroachment Act, the Land Acquisition Act,1894 or any other law for the time being in force.

Admittedly no proceedings were issued by the respondent calling upon the petitioners to vacate the lands in question, issuing notices for or canceling the assignments stated to have been issued in their favour or even proposing acquisition of the lands under any acquisition law. There is thus at present no basis for the petitioners' apprehension.

In case the respondent proceeds to evict the petitioners except in accordance with the due process of law and otherwise than by legal and lawful authority of law, the respondent would only be acting unlawfully while holding a public office. The petitioners therefore have the right to exercise the right of private defence, use proportionate and countervailing force against the respondent to prevent him from committing criminal trespass, notwithstanding the fact that the respondent is an individual person holding a public office. The petitioners have also have a remedy of complaining by name, that a

person holding office of the Mandal Revenue Office is without lawful authority committing criminal trespass or any other cognizable offence which such officer is alleged to have committed. On such complaint being made, the concerned police is bound to register the complaint, investigate the complaint with expedition, as also to employ the coercive and sovereign powers of the Republic to prevent even a person holding a public office from committing an offence against a citizen. The petitioners also have a remedy of approaching the competent civil court for injunctive relief including by seeking waiver of the notice required to be given under Sec.80 of the Code of Civil Procedure,1908, for relief against unlawful deprivation or dispossession.

In view of the availability of a plurality of remedies, equally efficacious and statutory in character, this Court sees no grounds for granting relief in exercise of its extraordinary jurisdiction under Article.226 of the Constitution. The writ petition is dismissed. The petitioners are at liberty to pursue available alternative statutory remedies. No order as to costs.

GODA RAGHURAM,J

10th NOVEMBER 2006
***TSNR**